

1 K. ERIK FRIESS (BAR NO. 149721)
ANDREW A. WOOD (BAR NO. 279403)
2 RACHEL A. ROSENBLUM (BAR NO. 341011)
ALLEN MATKINS LECK GAMBLE
3 MALLORY & NATSIS LLP
2010 Main Street, 8th Floor
4 Irvine, California 92614-7214
Phone: (949) 553-1313
5 Fax: (949) 553-8354
Email: rfriess@allenmatkins.com
6 awood@allenmatkins.com
rrosenblum@allenmatkins.com
7

8 Attorneys for Petitioner and Plaintiff
SUN LAKES HIGHLAND, LLC

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 SUN LAKES HIGHLAND, LLC, a
Delaware limited liability company,

13 Petitioner and Plaintiff,
14

15 vs.

16 CITY OF BANNING, a municipal
corporation; and DOES 1 through 10,
inclusive,
17

18 Respondents and Defendants.
19
20
21
22
23
24
25
26
27
28

Case No. 5:24-cv-02603-DTB

**JOINT STIPULATION TO EXTEND
TIME**

1 **TO THIS HONORABLE COURT:**

2 1. Petitioner and Plaintiff Sun Lakes Highland, LLC (“Petitioner”) filed this
3 action on December 6, 2024, and served its Verified Petition for Writ of Mandate and
4 Complaint for (1) Violations of the Civil Rights Act, 42 U.S.C. Section 1983 (Denial of
5 Due Process Under Fourteenth Amendment); (2) Declaratory Relief on Respondent and
6 Defendant City of Banning (“Respondent”) on December 11, 2024.

7 2. Petitioner, through its ongoing investigation, has discovered facts which
8 Petitioner believes supports additional allegations and causes of action against Respondent
9 and the City of Banning Mayor Sheri Flynn, as an individual.

10 3. On December 17, 2024, Petitioner and Respondent executed a Stipulation to
11 Extend Time to Respond to Initial Complaint by Not More Than 30 Days (L.R. 8-3),
12 extending the time for Respondent to file its responsive pleading from January 2, 2025, to
13 January 31, 2025.

14 4. On January 7, 2025, Petitioner filed its Verified First Amended Petition for
15 Writ of Mandate for: (1) Violations of Rights to Procedural Due Process and Fair Hearing;
16 (2) Violations of Government Code section 65300 et seq.; Banning Municipal Code
17 sections 17.04.030; 17.48.020; 17.56.050; and 17.96.060; and Complaint for (1) Violations
18 of the Civil Rights Act, 42 U.S.C. Section 1983 (Denial of Due Process under the
19 Fourteenth Amendment); and (2) Declaratory Relief (“Amended Petition”).

20 5. On January 23, 2025, Petitioner and Respondent executed a Stipulation to
21 Extend Time to Respond to Amended Petition, extending the time for Respondent to file
22 its responsive pleading from January 31, 2025 to February 28, 2025.

23 6. On February 14, 2025, Petitioner and Respondent held a Rule 26(f)
24 conference and initiated meet and confer efforts regarding Respondent’s planned Motion
25 to Dismiss the Amended Petition.

26 7. On February 21, 2025, Petitioner and Respondent executed a Stipulation to
27 Extend Time to Respond to Amended Petition, extending the time for Respondent to file
28 its responsive pleading from February 28, 2025, to March 21, 2025.

8. On March 4, 2025 Petitioner sent Respondent its draft Verified Second Amended Petition for Writ of Mandate for: (1) Violations of Rights to Procedural and Substantive Due Process and Fair Hearing; (2) Violations of Government Code section 65300 et seq.; Banning Municipal Code sections 17.04.030; 17.48.020; 17.56.050; and 17.96.060; and Complaint for (1) Violations of the Civil Rights Act, 42 U.S.C. Section 1983 (Denial of Due Process under the Fourteenth Amendment); (2) Violations of the Civil Rights Act 42 U.S.C. Section 1983 (Retaliation); (3) Violations of the Civil Rights Act 42 U.S.C. Section 1983 (De Facto Taking), and Declaratory Relief (“Second Amended Petition”).

9. Petitioner and Respondent have met and conferred regarding the proposed Second Amended Petition. Respondent is unable to stipulate to the filing of the proposed amendment. So Petitioner is preparing a formal Motion for Leave to Amend, which it intends to file forthwith. The Parties agree that Respondent should not be made to incur the expense of preparing a potentially moot motion to dismiss the First Amended Petition in the meantime.

10. The parties therefore agree that Respondent should have an additional three weeks, up to and including April 11, 2025, to file any responsive pleading to the First Amended Petition, pending the outcome of Petitioner’s forthcoming Motion for Leave to Amend. The Parties also agree that the deadline to file Rule 26(f) reports also should be continued by three weeks, to April 11, 2025.

11. No other defendant or respondent has yet appeared in this action;

12. Petitioner and Respondent agree that, in light of Petitioner’s forthcoming Motion for Leave to Amend, extension of the deadline for responsive pleadings and the Rule 26(f) Report serves judicial economy as it will lessen the burden on the Court and the parties by avoiding unnecessary motion practice.

13. Accordingly, the parties seek an order extending the time for Respondent to file its responsive pleading and 26(f) Report from March 21, 2025 to April 11, 2025.

14. The extension is not sought for purposes of delay or any other improper purpose.

THEREFORE, IT IS HEREBY STIPULATED by and between the parties, by and through their respective counsel, Leah A. Castella, on behalf of Respondent City of Banning and Andrew A. Wood, on behalf of Petitioner Sun Lakes Highland, LLC, as follows:

15. The deadline for Respondent City of Banning to file a responsive pleading to the First Amended Petition is extended from March 21, 2025 to April 11, 2025.

16. The deadline for filing a Rule 26(f) Report, which is currently March 21, 2025, is likewise extended to April 11, 2025.

IT IS SO STIPULATED.

Dated: March 17, 2025

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
K. ERIK FRIESS
ANDREW A. WOOD
RACHEL A. ROSENBLUM

By: /s/ Andrew A. Wood

ANDREW A. WOOD
Attorneys for Petitioner and Plaintiff
SUN LAKES HIGHLAND, LLC

Dated: March 17, 2025

BURKE, WILLIAMS & SORENSEN, LLP
J. LEAH CASTELLA

By: /s/ J. Leah Castella

J. LEAH CASTELLA
Attorneys for Defendant
CITY OF BANNING

FILER'S ATTESTATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document and its content from the signatories to this document.